

## Chapter 17.36

### MOBILE/MANUFACTURED HOME PARK DISTRICT (R-4)

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**17.36.010 Purpose and intent.**

The purpose and intent of the residential district R-4 and the terms and conditions of this title is to promote the health, safety and welfare of the inhabitants of the city through the regulation of the location, planning, design, layout, construction, and operation of this licensed manufactured home park and manufactured homes placement and use therein, which by reason of their design and location will be compatible with nearby zoning districts. (Ord. 386 § 740, 2002)

**17.36.020 Definitions.**

The following words, terms and phrases, when used herein, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**"Administration"** means the North Sioux City finance officer.

**"Cabana"** means a factory-built room enclosure erected or constructed and attached to a manufactured home for residential use by the occupants of a manufactured home.

**"Codes"** means any codes or other regulations that the city council or its departments have adopted which include, but are not limited to, the fire code, health code, building code, plumbing code, heating code and electrical code. Such codes will be controlling when work is to be done in a given area where such code is applicable.

**"Detached accessory building"** means an incidental freestanding building located on the same lot that it serves and used solely for storage of personal equipment and possessions of the manufactured home occupants.

**"License"** means a licensed manufactured home park operator's license.

**"Licensee"** means the person to whom a manufactured home park license has been granted.

**"Licensing entity"** means the city common council.

**"Manufactured home"** means a dwelling unit that is fabricated in one or more sections at a location other than the home site by assembly line-type production techniques or by other construction methods unique to an off-site manufacturing process. A manufactured home is designed to be towed on its own chassis or be site delivered by alternative means. Every section shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. For manufactured homes built prior to June 15, 1976, a label certifying compliance to the Standard for Manufactured Homes, NEFA 501, ANSI 119.1, in effect at the time of manufacture is required.

**Manufactured Home Park, Licensed.** "Licensed manufactured home park" means a contiguous parcel of land, under the same ownership, where lots are rented for the temporary placement of manufactured homes, with all necessary facilities and services, and is licensed by the city.

**"Manufactured home space"** means a parcel of land designated and approved for the placement of a single manufactured home. Manufactured home park shall not include travel trailer parks or trailer sales lots.

**"Park occupant"** means a person living in a manufactured home located on a licensed manufactured home park.

**"Park operator"** means the person to whom a manufactured home park license has been issued or who is managing the licensed manufactured home park for someone who has been issued a license.

**"Planning commission"** means the North Sioux City planning commission.

**"Required yard"** means a yard of a manufactured home as set out in a licensed manufactured home park layout plan.

**"Service building"** means an accessory building to a licensed manufactured home park for related services.

**"Service equipment"** means the plumbing, mechanical and electrical equipment including piping, wiring, fixtures and accessories which provide sanitation, lighting, heating,

ventilation, cooling, refrigeration, fire protection, and facilities essential for the habitable occupancy of a manufactured home or accessory building or structure for its designated use and occupancy.

**"Utilities"** means water and sewer, gas or electrical distribution system that is available for connection to manufactured homes in a licensed manufactured home park.

**"Zoning ordinance"** means the revised zoning ordinances of the city of North Sioux City. (Ord. 386 § 741, 2002)

#### **17.36.030      Principal permitted uses.**

Mobile/manufactured home parks, in accordance with the provisions of this title and applicable state statutes. (Ord. 386 § 742, 2002)

#### **17.36.040      Permitted accessory uses.**

- A. Detached garages and storage sheds constructed in compliance with applicable city ordinances;
- B. Service buildings as required by state statute;
- C. One indirectly lighted sign facing each public street or road on which the mobile/manufactured home park, fronts, showing the name of the mobile/manufactured home park, and other information pertinent thereto; provided, that such sign shall not have an area of more than thirty-two (32) square feet, and shall in all respects comply with all city ordinances regulating signs. (Ord. 386 § 743, 2002)

#### **17.36.050      Bulk regulations.**

- A. For any permitted use except a mobile/manufactured home park, the minimum requirements shall be the same as those set out for the R-I district.
- B. For any mobile/manufactured home park, the requirements shall be as follows:
  - 1. The minimum total area shall be two acres;
  - 2. The maximum total area shall be fifteen (15) acres;
  - 3. Each yard abutting on a public street or road shall be considered a front yard and shall have a minimum of thirty (30) feet of setback from lot line;

4. All other yards, whether side or rear, shall be a minimum of ten (10) feet.
5. The minimum lot space for each mobile/manufactured home shall be four thousand five hundred (4,500) square feet and shall measure at least fifty (50) feet by ninety (90) feet.
6. Mobile/manufactured homes shall be located on each space so that there will be at least a twenty (20) foot clearance between each mobile/manufactured home, a five-foot open space between the mobile/manufactured home including any permanent enclosed appendage, and any driveway, walkway, or mobile/manufactured home space boundary; and a ten (10) foot open space at the rear of the mobile/manufactured home;
7. Off drive parking availability shall be two parking spaces per lot;
8. Each mobile/manufactured home space shall be provided with concrete pads three feet in width by four inches in depth by the length of the mobile/manufactured home and of a width to accommodate the frame;
9. A plot plan of each mobile/manu-factured home park shall be on file in City Hall;
10. All dead-end streets shall terminate in an open space having a sixty (60) foot minimum diameter. No dead-end streets shall exceed five hundred (500) feet in length. (Ord. 386 § 744, 2002) (Amended 2017)

#### **17.36.060 Duty of licensee and occupants.**

A. Responsibility of Licensee. The manufactured home park licensee will operate the park in strict compliance with the provisions of a duly authorized conditional use permit and will provide adequate supervision to maintain the park, its related facilities, roadways, drainage-ways, walkways, open spaces, utilities and equipment in good repair and in a clean and sanitary condition.

1. The licensee will be responsible for verifying and certifying that all manufactured homes placed in the park meet or exceed minimum housing code standards as set forth herein.
2. The licensee will be responsible to verify that all manufactured homes hereinafter located in a licensed manufactured home park shall be provided with a HUD approved tie-down system.
3. The licensee will also be responsible to see that all plumbing, heating, and electrical connections, alterations and additions comply with the requirements of a duly authorized conditional use permit; that all street signs and address numbers are installed; to secure permits for licensees detached accessory buildings and park service buildings.

4. The licensee will be responsible for the proper placement of each manufactured home and notification to the city finance officer when manufactured homes are placed.

5. The licensee will notify the park occupants of all applicable provisions of a duly authorized conditional use permit and inform them of their responsibilities thereunder.

6. The licensee will provide the city with the name, address, and phone number of the local park management.

B. Responsibilities of Occupants or Owners. The occupant or owner of any manufactured home will comply with all applicable requirements of a duly authorized conditional use permit and will maintain the manufactured home space, its facilities and equipment in good repair and in a clean and sanitary condition.

The occupants of any manufactured home will be responsible to see that all plumbing, heating, cooling and electrical connections, alterations and additions comply with the requirements of a duly authorized conditional use permit and will secure the necessary permits for construction activity or other uses permitted herein. (Ord. 386 § 745, 2002)

#### **17.36.070 Required term, renewal and fee.**

A. It will be unlawful to operate a licensed manufactured home park within the city unless a valid annual license has been issued. A license issued pursuant to a duly authorized conditional use permit will expire on June 30th of each year. Application for a license and license renewal will be made in writing to the city finance officer on a form furnished by the city and accompanied by a copy of park rules and regulations, and a fee payable to the city as set by city council pursuant to ordinance. The annual fee for a manufactured home park is fifty dollars (\$50.00).

B. The deadline for filing the license application will be thirty (30) days prior to the expiration of such license. An application for a new license shall be filed thirty (30) days prior to the effective date of the license. A license filed after the expiration date of such license will be charged in addition to the license fee, a reinstatement fee equal to fifty (50) percent of the license fee. (Ord. 386 § 746, 2002)

#### **17.36.080 Revocation or refusal.**

A manufactured home park license may be revoked in whole or part as described in this section or renewal refused for failure to comply with any of the provision of a duly authorized conditional use permit or any other condition approved by the city. (Ord. 386 § 747, 2002)

**17.36.090      Transfer.**

Licensed manufactured home park licensee will give notice in writing to the city finance officer within thirty (30) days after having sold, transferred, given away, or otherwise disposed of any interest in or control of the manufactured home park. Such notice will include the name and address of the new owners. Upon application in writing for transfer of the license, the license may be transferred if the park is in compliance with the provisions of a duly authorized conditional use permit and all other pertinent laws and regulations. (Ord. 386 § 748, 2002)

**17.36.100      Manufactured home placement permit.**

- A. It is unlawful for any manufactured home to be occupied in the licensed manufactured home park unless the manufactured home is situated in a manufactured home space and a placement permit issued as provided for herein.
- B. Every manufactured home owner shall file an application for a manufactured home park placement permit with the city finance officer five days prior to the date of the placement of the manufactured home in the licensed manufactured home park. The city finance officer will cause an inspection of the manufactured home space to be made to verify compliance of the manufactured home placement with the provisions of a duly authorized conditional use permit dealing with proper placement utility hookups, and skirting.
- C. The manufactured home park licensee shall give to every manufactured home owner desiring to place his or her manufactured home in the licensee's park an application for a placement permit. The licensee will retain two complete copies of the application form and will send one to the city finance officer five days prior to the date of placement of the manufactured home and will retain the second copy; the manufactured home owner will have the responsibility of filing the original copy of the application with the city finance officer and will pay a permit fee of forty dollars (\$40.00) at that time. (Ord. 386 § 749, 2002)

**17.36.110      Detached accessory buildings and structures.**

It is unlawful to alter, repair, or add detached accessory buildings or structures in a licensed manufactured home park without first obtaining a permit. Permit issuance and fees will be in conformance with the city codes and ordinances applicable to the type of work involved. No permits may be issued and no construction may occur without the written consent of the manufactured home park licensee. (Ord. 386 § 750, 2002)

**17.36.120 Service buildings and equipment.**

It is unlawful to construct service buildings or install service equipment in the licensed manufactured home park without first obtaining a permit. Permit issuance and fees will be in conformance with the city codes and ordinances applicable to the type of work involved. (Ord. 386 § 751, 2002)

**17.36.130 Carports, cabanas, enclosed vestibules, canopies and decks.**

It is unlawful to construct:

- A. cabanas;
- B. unenclosed canopies;
- C. carports;
- D. decks; or
- E. enclosed vestibules forty (40) square feet in floor area or more in a licensed manufactured home park without first obtaining a permit. Permit issuance and fees will be in conformance with the city codes and ordinances applicable to the type of work involved. No permits may be issued and no construction may occur without the written consent of the manufactured home park licensee. (Ord. 386 § 752, 2002)

**17.36.140 Inspections.**

The city building inspector or his or her designee may enter the licensed manufactured home park to inspect such park in the discharge of his or her duties. Such inspection or reinspection may take place at any time. Such inspection will take place prior to the issuance or renewal of a license to operate the licensed manufactured home park.

The city building inspector shall have the right and is empowered to enter upon any premises on which any mobile/manufactured home, travel trailer, or camper is or about to be located and inspect the same and all accommodations connected therewith at any reasonable time. (Ord. 386 § 754, 2002)

**17.36.150 Plan required--Placement of manufactured homes.**

Each manufactured home licensee shall file with the city a mobile/manufactured home park plan in form acceptable to the city. Any petition for change of, or addition to, an existing mobile/manufactured home park shall be accompanied by a plan. Any plan filed with the city



shall show each mobile/manufactured home space and the dimensions thereof, the water, electrical and sewer lines serving each mobile/manufactured home space, the location of garbage cans, water hydrants, fire hydrants, service buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting and landscaping. Facilities for water supply and sewage treatment shall meet the requirements of the state of South Dakota. All plans shall be considered by the planning commission and the city council, who may approve or disapprove said plan or require such changes thereto, as are deemed necessary to effectuate the intent and purpose of this title.

All manufactured homes will be located in compliance with an approved manufactured home park plan. (Ord. 386 § 755, 2002)

#### **17.36.160      Water supply/water meters.**

An accessible, adequate, safe, and potable supply of water will be provided in each licensed manufactured home park capable of furnishing a minimum of one hundred twenty-five (125) gallons per day per manufactured home space and all water supply will be supplied by the city. A back flow preventer shall be installed at each new or replacement unit so as to provide an adequate supply of potable water to each individual manufactured home unit and furnished through a pipe distribution system connected directly with the city water system. A city water metering device provided by the city shall be installed at the property line for each water line hooked onto the city water distribution system. In addition, a city water metering device provided by the city will be installed in a manner and method approved by the city prior to entering each individual manufactured home unit. The water service provided to each individual manufactured home unit shall be metered in the owner's or renter's name who shall be responsible for all water and sewer service charges and for complying with all other city ordinances regarding use of city water supply and sewer services.

The mobilehome park owner shall be responsible for the payment of water service charges calculated as the metered use difference between each property line meter and the total metered use of all of the manufactured home units serviced by that line. Water meters for new mobilehome parks shall be installed before a mobilehome license is issued. (Ord. 386 § 756, 2002)

#### **17.36.170      Waste disposal.**

A. All plumbing in the licensed manufactured home park will comply with the plumbing code as adopted by the city and also applicable state codes.

B. All waste from showers, toilets, laundries, faucets and lavatories will be wasted into a sewer system extended from and connected with the city sewer system. (Ord. 386 § 757, 2002)

**17.36.180 Garbage disposal.**

A. The storage, collection and disposal of refuse in the manufactured home park will be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution. All refuse will be stored in fly tight, weather tight, rodent proof containers in sufficient number and capacity to prevent any refuse from overflowing.

B. Insect and rodent control measures to safeguard public health, as recommended by the city building inspector, will be applied in the licensed manufactured home park. Skirting of manufactured homes will be done in such a manner so as to prevent rodent harborage and as directed by the city building inspector. (Ord. 386 § 758, 2002)

**17.36.190 Electricity.**

It will be the responsibility of the licensed manufactured home park operator to provide and maintain the manufactured home park electrical wiring system in compliance with state and city electrical codes and it is further required that:

A. Service equipment will be weatherproofed in safe condition and adequate for the load served.

B. Supply cords and receptacles approved for the purpose used shall be in safe condition and have over-current protection at not more than their rating. Supply cords will not be spliced except in an approved box under the manufactured home.

C. Overhead conductors will have a clearance of three feet from the manufactured home and any projections such as a television antenna. (Ord. 386 § 759, 2002)

**17.36.200 Fire protection.**

A. The licensed manufactured homes park area will be subject to the fire protection rules and federal, state, and municipal rules and regulations.

B. LP tanks for the storage of home heating fuel are prohibited.

C. Oil storage tanks are prohibited.

D. Manufactured homes will have fuel piping materials and systems compatible with type of fuel supply based on accepted national standards or when applicable, city and state codes.

- E. Natural gas services will not be installed under manufactured homes. Connections from natural gas supply to manufactured homes will be by approved flexible connectors.
- F. Skirting installed around a manufactured home will be fire retardant and approved by the city building inspector.
- G. Combustible storage may not be permitted under manufactured homes. (Ord. 386 § 760, 2002)

**17.36.210 Park identification sign and office.**

It will be the responsibility of the manufactured home park licensee as a condition for issuance of the manufactured home park license to erect and maintain at the main entrance of the licensed manufactured home park a sign displaying the manufactured home park name and office address. The size, height, and location of the sign will be approved by the planning commission and comply with all existing city ordinances.

It will be the responsibility of a manufactured home park licensee as a condition for issuance of manufactured home park license to maintain an office, denoted by a sign, in every mobile/manufactured home park in which shall be located a person in charge of the manufactured home park. A copy of the park license and the park register shall at all times be kept in said office. A map of the mobile/manufactured home park shall be displayed showing the location of each lot. (Ord. 386 § 761, 2002)

**17.36.220 Street and space numbering.**

Prior to the issuance of the manufactured home park license, the manufactured home park operator will:

- A. Develop and submit for approval of the city a space or street numbering system for the licensed manufactured home park and have the plan available at the manufactured home park office at all times;
- B. Erect and maintain street signs within the licensed manufactured home park of the size, height, number and location as prescribed by the city;
- C. Display in front of or affix to the front of each manufactured home, service building or manufactured home space a street number in accordance with the approved numbering system. The numbers required to be displayed or affixed shall be no smaller than three inches in height and no larger than five inches in height and shall be installed in a manner and method approved by the city. (Ord. 386 § 762, 2002)

**17.36.230      General housing**

**requirements.**

A.      Manufactured homes must conform to current manufactured home construction and safety standards, HUD safety I Standards Act of 1974, effective 1979, Also known as the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401-5462 and related regulations.

1.      Upon the effective date of this Ordinance, every mobile/manufactured home moved or placed within the City Limits of North Sioux City may not be older than fifteen (15) years.

B.      Manufactured homes having a width of less than fourteen (14) feet are prohibited.

C.      No person will occupy or let to another for occupancy any manufactured home that does not comply with the following requirements:

1.      Every skirting, exterior wall and roof will be substantially weather tight and rodent proof, and will be kept in sound condition and good repair. All exterior surfaces, home park name and office address will be adequately maintained: siding, window conditions, and screens.

2.      Every floor, interior wall and ceiling will be kept in sound condition and good repair, that includes excessive cracking and holes.

3.      Every window and exterior door will be reasonably weather tight, water tight, and rodent proof and will be kept in sound working condition and good repair.

4.      Every outside stairway will be maintained in safe and sound condition and good repair.

5.      Every plumbing fixture and water and waste pipe will be installed in an approved manner and maintained in good, sanitary working condition, free from leaks and obstructions.

6.      Every water closet compartment, floor surface, bathroom floor surface, kitchen floor surface and countertop will be constructed and maintained so as to be reasonably impervious to water, and so as to permit such floor and countertop to be easily kept in a clean and sanitary condition. Only kitchen or bath carpeting that is specifically manufactured for such use will be permitted.

7.      Every supplied facility, piece of equipment or utility will be so constructed and installed that it will function safely and effectively, and will be maintained in satisfactory working condition.

8.      Exits will have twenty-eight (28) inches by seventy-four (74) inches of clear opening for exterior exit doors. Dead bolts will be on exterior doors and shall be capable of being opened

without a key from the interior of the structure. Outswinging doors must have a safety door check.

9. Privacy. Bath and toilet rooms must have privacy locks. Room dimension minimum will be five feet. Toilet compartment will be thirty (30) inches wide with twenty-four (24) inches in front of the toilet.

10. Exits. Two exterior doors will be accessible from rooms without locks: twenty (20) feet center to center for double wide, and twelve (12) feet center to center for single wide. An exit door cannot be over thirty-five (35) feet from a bedroom door.

11. Interior passage doors will be openable by single effort if doors are unlocked. If lockable, doors will be openable from the opposite side in case of emergency.

12. Hallways will be twenty-eight (28) inches minimum.

13. No owner, operator, or occupant will cause any service, facility equipment, or utility that is required under this conditional use permit to be removed from, shut off, or discontinued in any occupied manufactured home, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies. (Ord. 386 § 763, 2002) (Amended 2017)

#### **17.36.240 Minimum space, use and location requirements.**

No person will occupy any manufactured home that does not comply with the following requirements:

A. Every manufactured home will contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area will be counted in determining the maximum permissible occupancy up to ten (10) percent of the total habitable area.

B. Every habitable room will have a ceiling height of at least seven feet and six feet six inch ceiling heights for halls and foyers.

C. Every manufactured home of two or more rooms will contain one room with a minimum of one hundred fifty (150) square feet, every room occupied for sleeping purposes by one occupant will contain at least fifty (50) square feet of floor space and each sleeping room with two occupants will contain at least 90 square feet of floor space, and for each additional person occupying the room for sleeping purposes the room will contain at least fifty (50) additional square feet of floor space.

D. No manufactured home containing two or more sleeping rooms will have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor will room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. (Ord. 386 § 764, 2002)

**17.36.250 Basic equipment and facilities.**

No person will occupy or let to another for occupancy any manufactured home within the manufactured home park that does not comply with the following:

- A. Every manufactured home will contain a kitchen sink in sound working condition and properly connected to an approved water and sewer system.
- B. Every manufactured home will contain a room that affords privacy to a person within the room and which is equipped with a flush water closet in good working condition and properly connected to an approved water and sewer system.
- C. Every manufactured home will contain within its walls a handwashing lavatory, basin or sink in a sanitary and good working condition and properly connected to an approved hot and cold water and sewer system and located in the same room as the required flush water closet or as near to that room as practicable.
- D. Every manufactured home will contain, within a room that affords privacy to a person within the room a bathtub or shower in good working condition and properly connected to an approved water and sewer system.
- E. Every kitchen sink, lavatory basin and bathtub or shower will be connected to both hot and cold water lines in an approved manner. The finish will be free of scratched and chipped enamel and rusted fixtures and drains so they can be maintained in a clean and sanitary condition.
- F. Every manufactured home will be supplied with rubbish storage facilities.
- G. Every manufactured home will have adequate garbage disposal facilities or garbage storage containers.

H. Every manufactured home shall have supplied water heating facilities which are installed in an approved manner, with cold water shutoff, gas cock shutoff union and drip leg and three-quarter-inch pop-off safety valve, are maintained and operated in safe and good working condition, are properly connected with the hot water lines and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred ten (110) degrees Fahrenheit. Water heaters are not permitted in kitchens, bathrooms, or near open flame.

I. Every manufactured home will have approved, safe, unobstructed means of egress leading to safe and open space at ground level. (Ord. 386 § 765, 2002)

#### **17.36.260 Light, ventilation and heating.**

No person will occupy or let to another for occupancy any manufactured home, for the purpose of living therein, which does not comply with the following requirements:

A. Every habitable room will have at least one window or skylight facing directly to the outdoors. The minimum total window area measured between stops, for every habitable room will be eight percent of the floor area in such room. One egress window will be in each bedroom with sill height not to exceed thirty-six (36) inches.

B. Every habitable room will have at least one window or skylight that can easily be opened, or such other device which will adequately ventilate the room. The total openable window area in every habitable room will be equal to at least forty-five (45) percent of the minimum window area size of minimum skylight-type window size, as required is subsection A of this section, except where there is supplied some other device affording adequate ventilation and approved by the city building inspector.

C. Every bathroom and water closet compartment will have at least one window or skylight facing directly to the outside in order to provide adequate ventilation, or a mechanical-type ventilation system provided it produces one complete air change every five minutes.

D. Every manufactured home will have heating facilities that are installed in an approved manner, including chimney, flue vents with proper clearances, and are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least sixty-eight (68) degrees Fahrenheit at a distance of three feet above floor level when the temperature outside is a minus twenty (20) degrees Fahrenheit. Such heating equipment will be operated as reasonably necessary to maintain a temperature in all habitable rooms at sixty-eight (68) degrees Fahrenheit.

E. Every manufactured home will be supplied with electricity and will meet the following requirements:

1. Every habitable room will contain one electrical convenience outlet for each twenty (20) lineal feet, or major fraction thereof, measured horizontally around the room at the base planning commission line, except that in each habitable room one supplied electric light fixture will be accepted in lieu of one of the required electrical convenience outlets, provided that each habitable room contains at least one electrical convenience outlet. A minimum of sixty-amp (60) service is required and no excessive splicing is allowed.

2. Every water closet compartment, bathroom, laundry room, and kitchen, furnace room, and public hall will contain at least one ceiling or wall-type electric light and fixture.

3. Every outlet and fixture will be installed in an approved manner and maintained in good and safe working condition.

4. Laundry outlets, lights above egress doors, the water meter jumper, and ground to the water line must conform to all codes.

F. During the portion of each year when the city council finds it necessary to protect against mosquitoes, flies, and other insects, which are of such kind and occur in such numbers as to cause a hazard to health, every door opening directly from a manufactured home to outdoor space will have a supplied screen door with a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, will likewise be supplied with screens.

G. Proper fitting storm doors and windows should be installed for energy conservation. (Ord. 386 § 766, 2002)

#### **17.36.270 Notices and orders.**

A. Whenever the city building inspector or city finance officer determines that there has been a violation of a duly authorized conditional use permit, it will give notice of such alleged violation to the licensee and occupant.

B. Whenever the city building inspector or city finance officer determines that a hazard exists that requires immediate action to protect the public health, safety and welfare, the city building inspector or city finance officer may take whatever action deemed necessary. (Ord. 386 § 767, 2002)

#### **17.36.280 Notice to vacate.**



Whenever valid, verified housing complaints are made, the manufactured home will be tagged as unfit for human occupancy, resulting in the cancellation of the licensing for that space in the manufactured home park until such time that the manufactured home is brought up to code, removed, or the problem otherwise abated. Repeated violations could affect the future licensing of the park and may cause the cancellation of the licensing of the entire park. (Ord. 386 § 768, 2002)

#### **17.36.290 Appeals.**

A. Generally. Any person affected by any action of the city building inspector or city finance officer under a duly authorized conditional use permit may appeal the action to the city planning commission within thirty (30) days after completed service of such notice.

B. Variance on Appeal. The planning commission may authorize, upon appeal in specific cases, such variance from the terms of a duly authorized conditional use permit, subject to terms and conditions fixed by the planning commission, as will not adversely affect the public health where, owing to exceptional and extraordinary circumstances, literal enforcement of applicable provisions will result in unnecessary hardship. The burden of proof is upon the applicant to show by clear and convincing evidence that the variance:

1. Will not substantially or permanently injure the appropriate use of the other portions of the dwelling involved or other property;

2. Will be in harmony with the spirit and purposes of a duly authorized conditional use permit.

C. Procedure on Appeal. Any appeal may be taken by filing a notice in writing, to that effect, with the city planning commission. Such notice will be on a form provided by the city finance officer. The city finance officer will forthwith notify the city planning commission of the filing of such appeal, and the city planning commission will within thirty (30) days, set a date for hearing, which will be not less than fifteen (15) days from the date of the notice of hearing. The city finance officer will thereafter and forthwith give notice of such hearing to all interested persons by ordinary mail. After filing a notice of appeal, enforcement of any notice or order appealed from will be held in abeyance until the decision of the city planning commission will become final as provided in a duly authorized conditional use permit. The hearing before the city planning commission will be informal; its decision will be written, and will state the findings, conclusions and decision of the city planning commission.

D. Effect of Failure to Appeal. If no appeal is taken, the notice will become a final order when the time for appeal to the city planning commission has elapsed (thirty (30) days).

E. Enlargement of Time for Appeal. The city finance officer may enlarge the time in which an appeal to the city planning commission may be taken, upon showing of good and sufficient grounds. (Ord. 386 § 769, 2002)

**17.36.300      Judicial review.**

Any person aggrieved by a final decision of the city planning commission under a duly authorized conditional use permit may seek relief therefrom in a court of competent jurisdiction within thirty (30) days thereof. (Ord. 386 § 770, 2002)